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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,748	01/30/2001	Alfred L. Chi	11602-004001	9458
26161	7590	12/20/2004	EXAMINER	
FISH & RICHARDSON PC 225 FRANKLIN ST BOSTON, MA 02110			ELISCA, PIERRE E	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/772,748

Applicant(s)

CHI, ALFRED L.

Examiner

Pierre E. Elisca

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This Office action is in response to Applicant's response filed on 11/24/2004.
2. Claims 1-26 are pending.

CLAIM OBJECTION

3. Claims 3, 5, and 12 are objected to because of the following informality. Applicant is advised to define the acronym "VETO". Appropriate correction is required.
4. The rejection to claims 1-26 under 35 U.S.C. 102 (b) as being anticipated by Arnold et al U.S. Pat. No. 6,016,504 as set forth in the Office action mailed on 5/30/2003 is maintained.

Claim Rejections - 35 USC § 102 (b)

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 (b) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-2, 4, 6-11, and 13-26 are rejected under 35 U.S.C. 102 (b) as being anticipated by Arnold et al. (U.S. Pat. No. 6,016,504).

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As per claims 1, 2, 4, 6-11, and 13-26 Arnold discloses a method for establishing and maintaining a virtual outlet relationship on the Internet between an entity that controls and manage a Web site constituting a virtual outlet and a merchant (which is readable as Applicant's claimed invention wherein it is stated that a method in which a virtual purchase information)

virtual purchase information, which does not include any identifier of a real financial account, is provided, in an on-line connection to a merchant, to pay for an item (see., fig 1A, col 4, lines 1-32), the merchant provides the item and the virtual purchase information to a delivery service (see., Fig 5, it is inherent to realize that the organization's address in fig 5 can be sent to a delivery service, col 9, lines 10-45), at the delivery service, the virtual purchase information is converted to a real delivery address (see., Figs 1A, 1B, and 5, col 7, lines 30-67, col 8, lines 1-6), and the item is delivered to the delivery address (see., col 7, lines 30-67, col 8, lines 1-6).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims 3, 5, and 12 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Arnold et al. In view of Official Notice.

As per claims 3, 5 and 12, Arnold discloses the claimed limitations as stated in claims 1 and 4 above. It is to be noted that Arnold fails to explicitly disclose that the delivery service includes FEDEX or UPS or the United States Postal Service. However, the Examiner hereby takes Official Notice that FEDEX or UPS or United States Postal service are notoriously well-known in the art, and therefore, it would have been obvious to a person of ordinary skill in the art to include a delivery system that includes FEDEX or UPS or USPS because it is a mean of delivery goods or items to customers.

RESPONSE TO ARGUMENTS

9. Applicant's arguments filed on 11/24/2004 have been fully considered but they are not persuasive.

REMARKS

10. In response to claims 1-26, Applicant argues that the prior art of record Arnold fails to disclose or suggest:

a. "a method where the virtual purchase information is converted to a real delivery address. However, the Examiner respectfully disagrees with this assertion since Arnold discloses this limitation fig 5, item Virtual outlet signup form, with this signup form customer is capable of receiving item or goods from merchants or vendors, and also see., col 8, lines 1-6, specifically wherein said the merchant web page may allow the

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representative to browse through various other web pages to collect information (e.g., delivery address or credit card number).

b. " a code representing delivery instruction for a package". As indicated above, Arnold discloses in col 4, lines 1-32, specifically wherein said to purchase a product, the customer requests a web page from the virtual outlet computer. The requested web page typically has a visual indication of the product and a link associated with the product. When the customer selects the product to purchase from the displayed web page, the customer computer sends to the merchant computer a request for the merchant web page identified by the link associated with the product.... . Please note that the link that is associated with the product and merchant is readable as a code to identify the product, and the virtual outlet has the customer delivery address.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 703 305-3987. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703 305-9769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Pierre Eddy Elisca

Primary Patent examiner

December 16, 2004